

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	SEALED
	:	<u>SUPERSEDING INFORMATION</u>
- v. -	:	
	:	S1 19 Cr. 833 (SHS)
JOSEPH CHIRICO,	:	
	:	
Defendant.	:	
- - - - -	x	

COUNT ONE
(Wire Fraud Conspiracy)

The United States Attorney charges:

1. From at least in or about October 2018 up to and including at least August 2019, in the Southern District of New York and elsewhere, JOSEPH CHIRICO, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud in connection with the conduct of telemarketing, as that term is defined in Title 18, United States Code, Section 2325, which did victimize ten and more persons over the age of 55, and did target persons over the age of 55, in violation of Title 18, United States Code, Sections 1343 and 2326.

2. It was a part and an object of the conspiracy that JOSEPH CHIRICO, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise

a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 2326, to wit, CHIRICO and others induced victims, many of whom were over the age of 55, to pay thousands of dollars to obtain so-called "business services," which they represented would make the management of the victims' purported online businesses more efficient and/or profitable, when, in actuality, CHIRICO and his co-conspirators knew that the "services" would provide little or no value to the victims' businesses, which were essentially non-existent.

(Title 18, United States Code, Sections 1349, 2326(1),
& 2326(2).)

COUNT TWO

(Unlawful Distribution of and Possession with Intent to
Distribute Controlled Substances)

3. On or about May 26, 2019, in the District of New Jersey and elsewhere, JOSEPH CHIRICO, the defendant, intentionally and knowingly distributed and possessed with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substances involved in the offense were mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C), marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D), buprenorphine, a Schedule III controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(E), and alprazolam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(b)(2).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C), 841(b)(1)(D), 841(b)(1)(E), and 841(b)(2).)

COUNT THREE

(Conspiracy to Unlawfully Distribute Controlled Substances)

5. From at least in or about October 2018 up to and including at least August 2019, in the District of New Jersey and elsewhere, JOSEPH CHIRICO, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that JOSEPH CHIRICO, the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substances that JOSEPH CHIRICO, the defendant, and others known and unknown, conspired to distribute and possess with the intent to distribute were mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C), lysergic acid diethylamide, in violation of Title 21, United States Code, Section 841(b)(1)(C), psilocybin, in violation of Title 21, United States Code, Section 841(b)(1)(C), and marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATIONS

8. As the result of committing the offense alleged in Count One of this Information, JOSEPH CHIRICO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(8), any and all real or personal property used or intended to be used to commit, facilitate, or to promote the commission of said offense; and any and all real or personal property constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of said offenses, including but not limited to a sum of money in United States currency representing

the amount of proceeds traceable to the commission of said offense.

9. As a result of committing the offenses alleged in Counts Two and Three of this Information, JOSEPH CHIRICO, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.


Substitute Asset Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


AUDREY STRAUSS *RSK*
United States Attorney

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(18 U.S.C. §§ 1349 and 2326,
21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(C),
841(b)(1)(D), 841(b)(1)(E), 841(b)(2), 846.)

AUDREY STRAUSS
United States Attorney.
